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Human Rights Council
Thirty-sixth session
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Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the International Career Support Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[01 September 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.17-15902(E)

Please recycle

Japan's Freedom of Expression

UN Special Rapporteur David Kaye's report on Freedom of Speech in Japan praises Japan's high degree of internet freedom, but expresses great concern regarding the freedom of Japanese broadcast and print media. These views are sharply at odds with the actual situation in Japan, where freedom of expression is not only fully guaranteed by law and custom but fully enjoyed in practice.

In fact, the core basis for this criticism is political opposition to Prime Minister ABE Shinzo by a heavily pacifist media. Mr. Abe's grandfather, KISHI Nobusuke, was prime minister in 1960 when the U.S.-Japan Security Treaty was concluded over the violent protests of pacifist student activists. Many of those activists took up jobs in the media where they promote anti-U.S. and anti-Japanese views. Partly because Mr. Abe has proposed proceeding with amending the Japanese constitution, which prohibits the maintenance of armed forces, they have labelled him a "Nationalist," which in Japanese is a propaganda term meaning not a patriot, but a far-right ideologue who wants to return to wartime militarism, including suppression of free speech. Amending the constitution was his grandfather's dream.

On April 20, 2016, just one day after Professor Kaye issued his Preliminary Report, the Paris-based NGO Reporters without Borders (RWB) announced its annual World Press Freedom Index for 2016 in which Japan was ranked No. 72 in press freedom among 180 countries around the world, just below the United Republic of Tanzania, which came in at No. 71. Japan's ranking by RWB plummeted after 2013 following the inauguration of the Abe administration in December of 2012. Despite being ranked No. 11 in press freedom in 2010, Japan was ranked No. 53 in 2013, No. 59 in 2014, and No. 61 in 2015. RWB's views are clearly based on prejudice against the Abe administration. We are unable to arrive at any other conclusion, as the objective status of freedom of opinion and expression in Japan has remained basically unchanged since Abe's election to the office of prime minister.

RWB's rankings fluctuate widely despite continuity of circumstance, making these rankings unreliable, and useful for little more than political manoeuvring. A much more reliable world freedom ranking is available. According to the "Freedom in the World 2017" report produced by the international NGO Freedom House in January 2017, Japan is ranked No. 12 — higher than Germany (No. 16), the United Kingdom (No. 17), France (No. 27), the United States of America (No. 28), and Italy (No. 29). Freedom House's world rankings are stable and evenhanded, in stark contrast to the oscillations and biases painfully evident in the RWB reports.

It seems to us that Mr. Kaye has been strongly influenced by a handful of anti-Japan extremists living in Japan and abroad, particularly in the US. For example, on May 12, 2016, just a few weeks after the release of his Preliminary Report in Tokyo, Professor Kaye and University of Connecticut Professor Alexis Dudden held a two-person open dialogue titled "Threats to Freedom of Speech in Japan" at the University of California-Irvine. The event was hosted by the *Journal of Asian Studies (JAS)*, which is published by the Association for Asian Studies (AAS). Professor Dudden is notorious as a longtime Japan basher with deep animus towards Prime Minister Abe. In May 2015, Professor Dudden famously used the AAS as her platform for mounting yet another attack on Prime Minister Abe. Professor Kaye thus seems to be in complete alignment with two of the most prominent anti-Japan extremists in the world, RWB and Professor Dudden. This trio is clearly working in tandem to attack Japan. UN Rapporteur Kaye's Preliminary Report, the announcement of RWB's ranking in 2016, and the debriefing summit between Professors Kaye and Dudden all happened within less than a month of each other, between April 19 and May 12 in 2016.

According to some reports, the RWB report was based on an 87-point questionnaire sent to twenty people chosen by RWB. When the media watchdog group Viewers and Listeners for Legal Compliance in Broadcasting (VLLCB) inquired about details of the survey's methodology, RWB replied that it was unable to release any exact information on the number of responders, their names, or the standards by which they were selected. It is truly shocking that an organization which claims to measure and report on "freedom levels" practices such highly arbitrary secrecy. The report is not grounded in a wide array of statistics and facts. Instead, it is the product of "surveys" which change with the choice of respondents and their subjective interpretations.

In anticipation of Mr. Kaye's visit to Japan, RWB issued an article to the effect that they had reported to Mr. Kaye that freedom of the press in Japan was endangered by the Abe administration. However, when VLLCB asked specific, concrete questions as to how freedom of the press is endangered in Japan, the reply they received directed them to refer to Mr. Kaye's interim report for details. This is a perfectly formed tautology, and shows that the conclusion was crafted first and the "facts" shaped to fit it.

Next, Mr. Kaye asserts that the Japanese government exerts undue influence on journalists, but this is entirely false. From April 21 through April 29, 2017, the *Asahi Shinbun*, considered by many to be the most "liberal" daily newspaper in Japan, published interviews with seven newscasters representing every major Japanese TV broadcasting network. In the interviews, not one newscaster replied that he or she had ever experienced external pressure to change his or her reporting or views, and not one of the seven newscasters was anxious about the current situation of freedom of opinion and expression in Japan. In the examples cited by Mr. Kaye, Shuntaro Torigoe said "I heard about pressure." This is only hearsay. Shigetada Kishii stated clearly "I experienced no pressure on me." Shigeaki Koga listed no specific cases of undue pressure. Ichiro Furutachi said "I pretended there were pressures from the government." No credible examples of government pressure have been documented.

Third, RWB and Mr. Kaye speak of latent dangers posed by the *Specifically Designated Secrets Act*. This law was enacted for national security reasons and does not in any way infringe on legitimate freedom of expression. Since its enactment, this law has never been used to suppress free speech. Mr. Kaye has not given any objective transnational comparisons of the protection of classified information, so we can only conclude that he is simply parroting the denunciations, utterly lacking in objectivity, of the law's critics in Japan.

Fourth, print media in Japan is under no restrictions whatsoever. Broadcast media is, however, asked to abide by the *Broadcast Law*, article 4 which provides that political reports should include a variety of views as a condition for exclusive use of the government-owned airwaves. Mr. Kaye expresses concern that the Ministry of Internal Affairs and Communications (MIAC) could punish a broadcasting company which violated these provisions, including by suspending the company's broadcast license, selectively citing diet testimony from MIAC Minister Sanae Takaichi in response to hypothetical questions. However, despite the existence of this law, it has long been a view taken for granted in Japan that the government has no business interfering in broadcasting, and even when reporting serves to disseminate errors widely, there are no calls to invoke the sanctions which Mr. Kaye fears.

Before the release of David Kaye's Draft Report on May 29, 2017, unprecedented numbers of rebuttals from Japan were issued against his Preliminary Report in April 2016. Viewers and Listeners for Legal Compliance in Broadcasting issued two documents, "Open Letter to David Kaye" and "Statement on RWB Press Freedom Index and on David Kaye," in January 2017, while the Alliance for Truth about Comfort Women issued its "Open Letter to David Kaye's Preliminary Report" in February 2017. Forty-six Japanese academics, led by Academics' Alliance for Correcting Groundless Criticisms of Japan (AACGCJ), issued two documents, "Statements on David Kaye's Preliminary Report" and "Open Letter to UN High Commissioner for Human Rights Prince Zeid," on May 2, 2017. Moreover, on May 30, 2017 the Japanese government issued 17 pages of very detailed comments on Kaye's Draft Report.

In Japan, pressure on journalists is exerted by political, ethnic, and commercial special interest groups, including foreign countries such as China, as well as other journalists with opposing political views. In a free and open society, such free and open discussion should be welcomed, not condemned. It is the job of journalists to receive such criticism and reply in a reasoned way. The government should also be free to express its own opinions, which the media may then evaluate. This free exchange which occurs in Japan should be welcomed as a manifestation of a mature democracy.

Mr. Kaye's report completely misrepresents the current state of freedom of expression in Japan. We urge the United Nations to examine Mr. Kaye's report and all other such reports carefully to ensure that they are accurate and objective.

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Human Rights Council
Thirty-sixth session
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Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Written statement* submitted by the International Career Support Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[01 September 2017]

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GE.17-15903(E)
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Please recycle

Human rights violation committed by government of the Republic of Korea (ROK) to Japanese citizens

In 2015, several historical areas have been registered as "Sites of Japan's Meiji Industrial Revolution: Iron and Steel, Shipbuilding and Coal mining" at the 39th UNESCO World Heritage session.
Upon this announcement, the ROK government began protesting against Japan. They claim that many Koreans were forcibly commandeered to work at 7 of the registered sites, including Nagasaki Shipyard and Hashima Island and that they suffered tremendously from it during WWII".
However, their accusation has no ground at all. The reason for the nomination of the "Sites of Japan's Meiji Industrial Revolution" was to honor Japan's effort to achieve the industrial revolution in 40 years, whereas it spanned 400 years in the Western Societies.
All of the historical sites were utilized from 1850s to 1910 to achieve the industrial revolution. There were no Korean workers at these sites during this period.

Photographs and documents used by the ROK government to protest Japan were identified as false information by experts, and ROK media also acknowledged the results.
Backed by the ROK government's protest, a movie was released in the Republic of Korea this summer.
It was about Hashima Island, one of the many sites registered as "Sites of Japan's Meiji Industrial Revolution" in Nagasaki and nick named as "Gunkan-jima", so called Battleship Island as the island itself shaped looks like battleship.

As the story goes, 400 Korean people were forced to work at Gunkan-jima and they were actively trying to escape the island during Japanese annexation period. It was totally a fictional movie.
No Korean miners working at Gunkan-jima were the forced laborers even after the 40 years period. They worked willingly with Japanese miners, and were often compensated more than the Japanese.

Testimonies of many Japanese people who used to work at the Gunkan-jima and old films taken at the island prove that there was no torture or discrimination as described in the movie. Why Japanese needed to torture the important work force? It does not make any sense.

If you visit the island, you will soon realize that it is a very small man-made island. There is no way the riot portrayed in the movie could have happened.

Back then, the population density at the island was much larger than that of Tokyo. If a riot would have happened at the island, mining would halted and it would have been on the news.

Moreover, many Koreans miners returned to the Korean peninsula after the WWII on ships contracted by the Japanese mining companies who hired them. One of the phrases used in the movie – "Murder all Koreans who know what happened at this mining site" – never happened.

Photographs used to promote the movie were intentionally misused just like what ROK government tried to do.

For instance, a picture of an injured Japanese miner was used to depict a tortured Korean miner. When this fact was pointed out to movie producers, they mentioned "This is a fictional movie". But when they showed the movie on the screen to UNESCO employees in Paris, they explained it as "This is the hidden truth". They are double-tongued.

The ROK government invited Koreans who worked at the mining site to the movie so they could promote the movie. Their government is promoting this fictional movie.

The ROK government has been trying to overturn the international treaty agreement between Japan and South Korea on the comfort women issue too.

But, the Japanese government has already provided about 8 million US dollars fund to the ROK government for the

comfort woman issue, it will be difficult for ROK to overturn the agreement. They needed new tactics to get more compensation from Japan.

That's why they started exploring requisitioned workers. In fact, the Korean artist who created the comfort women statue started building a new statue about commandeered workers. Then they started filing lawsuits against Japanese companies regarding the commandeered workers.

In 2016, Mitsubishi Material compensated Chinese workers and their family members for forced labor during WWII. Because of this lawsuit, Chinese people also started more lawsuits.

There were many Korean workers at various mining sites and factories across Japan during WWII, but they came from the Korean peninsula on their own will to work and earn the money which is much more than they earn in Korean peninsula.
Many of them often relocated from one place to the other if higher paid jobs were available.
"Requisitioned workers" were used to fill jobs at Japanese factories during WWII. Most of them were Japanese, but none of them filed lawsuits against the Japanese government. It was the way of living, and Korean people were also considered Japanese back then.

This shall not be the basis for claims of compensation from Japan after such a long time. Furthermore, the problems in regard to the property and claims between Japan and Korea have been settled once and for all with the "Japan-ROK Basic Relations Treaty" signed and sealed in 1965. In order to conclude this treaty, Japan and the Republic of Korea spent as long as fourteen years in negotiation.

During this long negotiation period, the issue of the comfort women had never been brought up from the ROK. If it was true that as many as 200,000 women were forcibly carted to be made "sex slaves", it is quite unnatural and odd that ROK did not make any claim for compensation for such incident during the negotiation.

The nonexistence of such claim for the compensation is the proof that there had been no such things as forcible abductions or sex slaves.
It should be noted that, during this negotiation for the Treaty, when the government of Japan proposed to provide fund for unpaid workers due to the result of the war for the individual recipients, ROK government requested to receive the lump sum amount on their behalf instead.

Therefore, the government of the ROK had been of the position that the problems were resolved and settled with the "Agreement on the Settlement of Problems Concerning Property and Claims and on Economic Co-operation between Japan and the Republic of Korea".

Interestingly, the details of this treaty with Japan were hidden to their own people until 2005.
However, the Supreme Court of Korea, as though competing against the constitutional court, showed the judgment that "the individual right to claim" is something different from "the right of diplomatic protection" relinquished with the Agreement.
This triggered the flare-up of the issue of the "requisition workers".

Now Pro-Democratic People's Republic of Korea Moon Jae-in administration came into office. They are supporting the judgment shown by the Korean Supreme Court, and are eager to stir up the public opinion utilizing the afore-mentioned movie titled "Battleship Island". It can be said that the ROK is no longer a law-abiding country.

The issue of the requisition workers is the same as that of the comfort women, that is, to spread propaganda that the Japanese people are abusing the human rights of Koreans. Also, this issue is a convenient tool to pester Japan for money, and gives Korea the goose that lays the golden eggs.

The government of the ROK brought up the issue of the comfort women again disregarding the final and irreversible resolution agreement (of December 2015). However, the government of the ROK might have judged that it would lead to nowhere since the Japanese government has already fulfilled its obligation stipulated in the agreement. Then, the government of the ROK came up with the idea of bringing up the issue of the requisition workers as a new

tool.

They spread the chained image of "Japanese Imperial Army, Comfort Women, Sex Slave" and expanded the chain to be linked to the "requisition workers" issue.
The government of the ROK is taking the stance that requisition workers were forcibly moved and the Korean laborers were inhumanely treated. With such a stance, ROK is furiously demanding the Japanese government to admit and accept the blame.

They're demanding Japan to admit the blame and establish an information center to reveal their past acts of brutality.
Prof. Munehiro Miwa of Kyushu University stated that many of the Korean laborers who once returned to Korea (their home country) in 1945, tried to come back to Japan, which shows that the story of the abusive treatment, massacre and the enslavement of the Korean laborers is fiction fabricated by the present-day Koreans.

By referring to the statistical data of the "Illegal Entry of Koreans" stored at the American National Archives, Prof. Miwa points out that nearly 10,000 Koreans tried to immigrate to Japan illegally and were sent back as of 1945. Prof. Miwa says, "If the practice of the enslavement and massacre were true, nobody can explain why so many Koreans tried to come back and immigrate to Japan illegally".

The United Nations need to intervene to protect the integrity of the Japanese people from the anti-Japan propaganda fabricated by the ROK government repeatedly who is even not capable to observe International treaties.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the International Career Support Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Request to the United Nations related to Comfort Women issue and special rapporteur

We request that the UN repeal the "Report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/1996/53/Add.1)" dated 4 Jan 1996 written by Ms. Radhika Coomaraswamy, and to send another Special Rapporteur to Japan to investigate the factual situations through primary sources on the "comfort women."

There are many short-comings, sometimes pure falsification, in the above-mentioned report. First, the Special Rapporteur defines the "comfort women" as being military sexual slavery because, according to her, they were "forced to render sexual services."

However, the sources she used to support her claim are fictitious books and hearsay.

Two referenced books are "My War Crime: The Forced Draft of Koreans" by Yoshida Seiji, and "Comfort woman, sex slaves of the Japanese Imperial Force" by George Hicks. Yoshida Seiji, later admitted that his book was nothing but fiction and G. Hicks wrote his book largely based on Yoshida's book. Hicks also cites a book by Kim Il-myon, a resident of Japan with Democratic People's Republic of Korea sympathies, many times. However, most of Kim's assertions are unverified rumors. (Tsutomu Nishioka, "Behind the Comfort Women Controversy: How Lies Became Truth")

Also, many of the former comfort women's testimonies the Special Rapporteur quoted in the report are too far-fetched and far from the truth, but she failed to attempt to verify their stories.

Item 54 of the report quotes the testimony of a woman from the Democratic People's Republic of Korea, Chong Ok Sun, which was so horrifying and nauseous. As we all know, in the Democratic People's Republic of Korea political propaganda is more important than historical fact; yet, Coomaraswamy accepts Chong's testimony unconditionally without doing any fact-checking.

Second, the Special Rapporteur reported that there were 200,000 Korean comfort women and they were forced to have sex with, on average, 40 to 50 men a day. The mathematical calculation simply does not add up. If 200,000 women had sex with 40 men a day, there were supposed to be 8 million acts of sexual intercourses a day. How could that be possible while there were roughly 1.7 million soldiers at the Pacific Theater and they were there to fight, not to have sex! This clearly indicates that her report is not trust worthy. It is also obvious that she has confused the Women's Voluntary Service Corps with comfort women, but they were completely different.

Third, the report also mentions the statement of Kono Yohei dated 4 Aug 1993 that "comfort women were recruited against their will and had to live in misery at comfort stations in a coercive atmosphere." However, recent thorough investigation by the Government of Japan (GOJ) revealed that the wording used in the statement was the result of a political agreement between the GOJ and the Government of the Republic of Korea, and not a factual statement.
Fourth, throughout the report it indicates that "those women were not remunerated for their work as sex slaves."

However, the Report No. 49 of United States Office of War Information dated October 1, 1944, which interviewed 20 Korean comfort women states that "in an average month a girl would gross about fifteen hundred yen," and "the girls' gross earning depending on how much of a debt each girl had incurred when she signed her contract."

The fact that these women earned so much more in wages than Japanese soldiers did is a clear indication that they were far from "sex slaves." Nishioka also mentions another example in his book that "a former comfort woman named Moon Ok-ju made 12 deposits in her saving while she was working as a comfort woman and her account had a balance of 26,145 yen, a sum of money large enough to buy five houses in Tokyo in the 1940s."

Last but not the least, we would like to introduce Professor Park Yu-ha. She is a professor of literature at Sejong University, and wrote a book titled "Comfort Women of the Empire" in 2013. Based on historical documents and the testimonies of comfort women, she describes a more complex relationship between comfort women and soldiers, and criticized the recent interpretation of comfort women being labeled exclusively as sex slaves.

In an interview with the New York Times in April 2016, she also states the following:
The anti-Japanese activist group "Korean Council for the Women Drafted for Military Sexual Slavery," which was formed by the Republic of Korea Communists and has strong ties with the Democratic People's Republic of Korea, is instigating the comfort women issue. The Council confined surviving women in the House of Nanumu, and these women were allowed to talk to outsiders only when they were needed to testify for the UN Special Rapporteur or United States of America politicians.

Further, these women were coached by the Council to give false testimonies. The Council used the comfort women issue for its political purpose, which is to drive a wedge into the US-Japan-Republic of Korea security partnership.

The mandate of the Special Rapporteur states that the investigation should be based on "factual situations as well as allegations which may be forwarded to the Special Rapporteur by concerned parties."

It seems that the Coomaraswamy report was geared too much on the allegations by concerned parties without substantial support by factual situations.

Since the time the report was published more than 20 years ago, some historical reports and new testimonies have been revealed and much research has been conducted. We sincerely hope that the UN will revise the Coomaraswamy report with a new, more fact-based report so that the two nations of Japan and the Republic of Korea can have a more fruitful and friendly relationship rather than a conflict ridden one, especially since the report was partially the cause of conflict over the past 20 years between the two nations.

A recent occurrence regarding the issue of comfort women is that in 2015 both governments of Japan and the Republic of Korea came to an agreement, during which they confirmed that the issue was "resolved finally and irreversibly" under the conditions that Japan would express remorse and offer a one-time contribution to a foundation set up by the Republic of Korea, and in return the Republic of Korea would acknowledge Japan's concerns about the statue of a girl erected in front of the Japanese Embassy in Seoul and "strive to solve this issue in an appropriate manner." Also, the Republic of Korea would refrain from accusing or criticizing Japan regarding this issue in the International community.

At the time of the agreement, there was hope that it would be a turning point for a renewed relationship between Japan and the Republic of Korea. Thus, Japan stuck to its deal and Prime Minister Abe expressed apologies and remorse, and contributed one billion yen to the Reconciliation and Healing Foundation set up by the Republic of Korea. Thirty six out of the 47 former comfort women still alive when the agreement was reached accepted 100 million won (about 9.7 million yen) each.

However, not only has the statue in front of the Japanese Embassy in Seoul not been removed but also a new statue has been erected outside the Japanese Consulate in Busan, which is a clear breach of the 2015 agreement. Further, the Moon administration recently released a five-year policy blueprint, and President Moon Jae-in announced that his administration intends to designate an official day of commemoration for comfort women starting next year, to build a research center dedicated to the victims in 2019, and to open a history museum in 2020.

In the international setting, the Korean people are busy setting up, or trying to set up, comfort woman statutes in different places in the world.

Recently, one was erected in a public park in Brookhaven in the U.S. No matter what Japan does, it seems that the Korean people are busy defaming Japan and instigating hatred in the hearts of people.

Yes, it is very regrettable that some women had to work as comfort women against their will because of whatever reasons there may have been. However, it is not fair to judge what the Japanese military did solely based on current standards not the standard custom of that time.

What they did was mainly to set up comfort stations to protect innocent girls from being raped, to prevent private brokers from engaging in immoral behaviour, and to provide medical services to prevent venereal deceases. Neither is it fair to blame only Japan while turning blind eyes to so many similar incidents occurred throughout world history.

It is high time to move on and deal with so many more problems the world faces these days, one of which is the serious threat we face from the Democratic People's Republic of Korea.

To achieve this purpose, we sincerely request that the UN will pressure the Government of the Republic of Korea to fulfill its end of the bilateral agreement of 2015 and not to be manipulated by the group supported by the Democratic People's Republic of Korea, and will act as a mediator between the Government of Japan and the Government of the Republic of Korea for a better relationship so that the two nations work as allies to combat the threat from the Democratic People's Republic of Korea.